

S/N 10/830,164

PATENT  
CONF. # 8149

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Avadhanam et al. Examiner: Khanh B. Pham

Serial No.: 10/830,164 Group Art Unit: 2166

Filed: April 21, 2004 Docket No.: MS 167378.02 / 40062.128USC1

Title: METHOD AND SYSTEM FOR CREATING A DATABASE TABLE INDEX  
USING MULTIPLE PROCESSING UNITS

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being transmitted via EFS-Web to the U.S. Patent Office on September 24, 2009.

By: 

Name: Azlenda Ahmad

**REPLY BRIEF UNDER 37 C.F.R. § 41.41**

Mail Stop Appeal Brief  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir or Madam:

Appellants submit this Reply Brief to the Board of Patent Appeals and Interferences in response to the Examiner's Answer dated July 24, 2009. No fees are believed due as the Appeal Brief fee was previously paid. If necessary, the Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 13-2725 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17.

## REMARKS

Appellants respectfully incorporate all the arguments presented by Appellants in the Appeal Brief filed April 9, 2009. In this Reply Brief, Appellants do not address each of the previously presented issues, but rather focus on issues in need of further clarification of the Appellants' position in light of the Examiner's arguments made in the Examiner's Answer.

### **I. STATUS OF CLAIMS**

Claims 1-26 are currently pending in the Application, but stand rejected under 35 USC § 103(a) as being obvious over Gupta et al. (U.S. Patent No. 6,438,562), in view of Blank et al. (U.S. Patent No. 5,842,208), hereinafter referred to as "Gupta" and "Blank" respectively. All pending claims stand rejected pursuant to the Final Office Action mailed October 10, 2008 (hereinafter "Office Action"). The Pre-Appeal Panel affirmed the Examiner's rejection in the Notice of Panel Decision from Pre-Appeal Brief Review mailed January 30, 2009 (hereinafter "Panel Decision"). The Examiner's Answer maintains the rejection of claims 1-26.

### **II. ARGUMENT**

Appellants address the Examiner's rejections and the rebuttal comments substantively beginning on page 19 of the Examiner's Answer below. The omission of discussion pertaining to some issues raised in the Examiner's Answer should not be interpreted as an admission of the assertions made in the Examiner's Answer, and as set forth above, the rebuttal to the rejection of these and other claims set forth in the appeal brief are re-alleged and incorporated herein by reference.

The Examiner's Answer agrees that Gupta fails to teach accessing the table records in parallel, wherein each processing unit accesses all of the records in the table of records. The Examiner's Answer maintains, however, that Blank compensates for Gupta's deficiency (*See* Examiner's Answer at p. 21). Appellants respectfully disagree. Blank teaches that a file system is divided into separate partitions. Each partition is then separately processed by processing units **102**. This is clearly illustrated in Blank's Fig. 1. Fig. 1 shows a file **118** that is divided into three separate partitions **120**. Each separate partition **120** is processed by a separate processor **102**. Each separate processor performs a scan **108** and sort **110** on its respectively assigned partition **120**. Indeed, as taught in Blank, the individual processors perform a scan and sort on

their respective partitions in parallel. There is no teaching that a processor access the records of the partitions assigned to the other processors. Instead, Blank explicitly teaches in Fig. 1 that each partition is separately accessed by different processors.

Furthermore, the Examiner's Answer alleges that Blank teaches each processing unit accesses all of the records through Blank's recitation of "multiple scans in parallel against the file..." (Blank, Claim 1). However, as described in the Blank specification, "multiple scan programs 108 are performed in parallel by multiple processors 102 against multiple partitions 120 of one file 118." (Blank, Col. 3, ll. 45-47). This does not teach the feature of each processing unit accesses all of the records as recited in the independent claims. Instead, Blank teaches that each processor simultaneously accesses its own individual partition, as illustrated in Blank's Fig. 1. Thus, Blank fails to teach accessing the table records in parallel, wherein each processing unit accesses all of the records in the table of records.

In addition, Appellants would like to clarify earlier comments on Blank. Appellants did not characterize Blank as teaching only serial processing. Instead, Appellants were referring to the specific support the Office Action provided for the allegation that Blank teaches accessing the table records in parallel, wherein each processing unit accesses all of the records in the table of records. More specifically, the Office Action cited to a general statement in the background of Blank. (See Office Action, p. 5). The background of Blank describes the then-current state of the prior art by stating, "[t]ypically, the scanning, sorting, and index build steps are performed *serially*, which can be time consuming in the case of a large database file." (Blank, Col. 1, ll. 22-24) (emphasis added). Appellants maintain simply that the portion of Blank (the background) cited by the Office Action characterizes the prior art as performing serial index building. Thus, the Office Action's reliance on the general statement from the background cannot possibly teach accessing the table records in parallel, wherein each processing unit accesses all of the records in the table of records. Moreover, as discussed above, regardless of what the background of Blank discloses, detailed description of Blank also fails to disclose accessing the table records in parallel, wherein each processing unit accesses all of the records in the table of records.

Finally, Appellants traverse the use of the dictionary definition provided for the term "accesses" in the Examiner's Answer to any extent that such definition limits the features of the recited claims. The terms of the claims are defined in relation to the specification. Appellants further note that even if the definition provided in the Examiner's Answer for the term

“accesses” were correct, Blank still fails to teach accessing the table records in parallel, wherein each processing unit accesses all of the records in the table of records for the reasons previously provided in this Reply, in the Appeal Brief, and in the Appellant’s previous remarks made during prosecution.

For at least the reasons set forth herein and in the Appeal Brief filed April 9, 2009, Appellants respectfully request that the Board reverse the rejection of the claims and that the claims be allowed in their current form.

Respectfully submitted,



Gregory D. Leibold, Esq., Reg. No. 36,408  
Merchant & Gould P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
(303) 357-1642

Date: September 24, 2009

